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Congress of the United States

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March 31, 1999

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter briefly comments on the draft "Information Collection Budget of the United States Government - Fiscal Year 1999" which the Office of Management and Budget (OMB) delivered to us yesterday, asking for our comments this week, and which is statutorily due to Congress today. The draft report cites the statutory requirement for OMB to issue a report to Congress by March 31, 1999 that "identifies specific paperwork reduction accomplishments expected, constituting annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000."

The draft report is not responsive to the statutory requirement in several ways. First, OMB estimates a 2.6 percent increase in paperwork in fiscal year (FY) 1999 and a 2.3 percent increase in paperwork in FY 2000 instead of five percent decreases in each FY. This expectation follows three successive years of increases in paperwork, instead of decreases in paperwork.

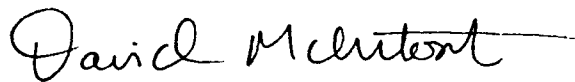
Second, the draft report only identifies some specific expected reductions. For example, the Department of Health and Human Services, which is expected to levy the third largest burden in FY 1999, identified no specific expected reductions in FY 1999. Likewise, the Departments of Energy, Housing and Urban Development, State, and Veterans Affairs identified no specific expected reductions in FY 2000. Of utmost importance to overall paperwork reduction, the Internal Revenue Service, which accounts for approximately 80 percent of the government-wide total burden, identified no specific expected reductions in FY 2000. This aspect of the draft report is not acceptable or responsive to the Congressional requirement. Before OMB finalizes and submits its report to Congress, it should ask these agencies and the other agencies to go back to the drawing board and identify specific expected reductions. Alternatively, OMB itself could identify specific expected reductions for the agencies.

Third, OMB's claim that "OMB's computer database of changes in paperwork burden classifies expirations ... of previously expired collections as program changes, even when the

agency is still in fact conducting the collection in violation of the PRA" (page 11) is unacceptable. Since the public does not experience a reduction in burden for these collections, there is no program change. We expect OMB to reflect in its final report (and all future correspondence and reports to Congress) that all expirations which are still in use are adjustments, not program changes. Additionally, we request that OMB indicate the number of burden hours associated with each entry in Appendix B, Paperwork Reduction Act Violations, including Table B.1, FY 1998 Violations - Expiration of Ongoing Collections, and Table B.2, FY 1998 Violations - Collections Without OMB Approval or Modified Without OMB Approval. Without the burden hours information, the tables are not especially useful.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407. Thank you in advance for requesting our comments.

Sincerely,

A handwritten signature in black ink, reading "David McIntosh", with a horizontal line extending from the end of the name.

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Henry Waxman
The Honorable Dennis Kucinich
The Honorable Fred Thompson
The Honorable George Voinovich
The Honorable Jim Kolbe